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VISA U.S.A. INC. and  
VISA INTERNATIONAL SERVICE ASSOCIATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

SAFECLICK, LLC, an Iowa  
limited liability company,  
Plaintiff,

v.

VISA U.S.A. INC., a Delaware corporation, and  
VISA INTERNATIONAL SERVICE  
ASSOCIATION, a Delaware Corporation,  
Defendants.

Case No.: C03-05865 SBA

**DEFENDANTS' ADMINISTRATIVE  
REQUEST TO FILE DOCUMENTS  
UNDER SEAL AND  
ORDER GRANTING DEFENDANTS'  
REQUEST PURSUANT TO CIVIL L.R.  
79-5(B)**

Judge: Hon. Sandra B. Armstrong  
Dept.: Courtroom 3, 3rd Floor  
Date: Sept. 20, 2005  
Time: 1:00 p.m.

1 Pursuant to Civil Local Rule 79-5(b), Defendants Visa International Service Association  
2 and Visa U.S.A. Inc. (collectively "Visa") hereby request to file certain documents under seal:

- 3 • Pages 6, 7, 9, 10, 11, 12, and 24 of Defendants Visa International Service Association and  
4 Visa U.S.A. Inc.'s Reply for Summary Judgment of Non-Infringement; ("Visa's Reply  
5 Brief.");
- 6 • Exhibit A to the Reply Declaration of Michael M. Markman in Support of Defendants Visa  
7 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of  
8 Non-Infringement ("Reply Markman Decl.");
- 9 • Exhibit G to the Declaration of Michael M. Markman in Support of Defendants Visa  
10 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of  
11 Non-Infringement;
- 12 • Exhibit H to the Declaration of Michael M. Markman in Support of Defendants Visa  
13 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of  
14 Non-Infringement;
- 15 • Exhibit I to the Declaration of Michael M. Markman in Support of Defendants Visa  
16 International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of  
17 Non-Infringement.

18 Visa's Reply Brief cites confidential, technical information and deposition transcript  
19 excerpts from the Declaration of Mr. Markman, Esq.

20 Reply Markman Decl., Exhibit A contains confidential excerpts from the Dr. Gene Tsudik  
21 Deposition, Plaintiff Safeclick LLC ("Safeclick") technical expert, of August 16, 2005. Pursuant to  
22 Paragraph 6 of the Stipulated Protective Order of October 4, 2004, this deposition is considered  
23 confidential for thirty (30) days.

24 Reply Markman Decl., Exhibit G contains confidential, technical information from the Carl  
25 S. Wagener Deposition, co-inventor of U.S. Patent No. 5,793,028 and the patent-in-suit ,of August  
26

1 24, 2005. Pursuant to Paragraph 6 of the Stipulated Protective Order of October 4, 2004, this  
2 deposition is considered confidential for thirty (30) days.

3 Reply Markman Decl., Exhibit H contains confidential, technical information from the  
4 James Reno Deposition, from third party 30(b)(6) designee Arcot ,of August 19, 2005. These  
5 excerpts contain confidential, technical third party information and Visa confidential, technical  
6 information regarding Verified by Visa. Pursuant to Paragraph 6 of the Stipulated Protective Order  
7 of October 4, 2004, this deposition is considered confidential for thirty (30) days.

8 Reply Markman Decl., Exhibit I contains confidential excerpts from the Dr. Michael I.  
9 Shamos Deposition, Visa's technical expert, of July 25, 2005. These excerpts contain confidential  
10 and technical Visa information regarding Verified by Visa. Pursuant to Paragraph 6 of the  
11 Stipulated Protective Order of October 4, 2004, this deposition is considered confidential for thirty  
12 (30) days.

13 These documents are properly filed under seal because Visa and Safeclick have designated  
14 them as "Confidential Information," pursuant to Paragraphs 1, 5 and 6 of the Stipulated Protective  
15 Order entered in this case by Magistrate Judge Joseph C. Spero on October 4, 2004.

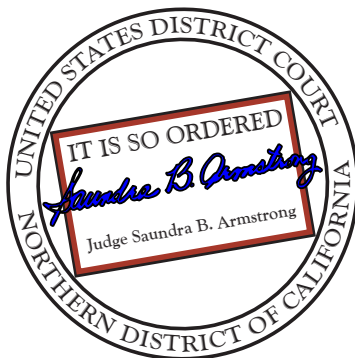
16 Visa submitted "public versions" of Visa's Reply Brief, Reply Markman Decl., Exhibit A;  
17 Reply Markman Decl., Exhibit G; Reply Markman Decl., Exhibit H; Reply Markman Decl., Exhibit  
18 I; as well as a confidential versions of the Visa's Reply Brief, Reply Markman Decl., Exhibit A;  
19 Reply Markman Decl., Exhibit G; Reply Markman Decl., Exhibit H; and Reply Markman Decl.,  
20 Exhibit I under seal.

21 Furthermore, the Court finds that the "public versions" of Visa's Reply Brief, Reply  
22 Markman Decl., Exhibit A; Reply Markman Decl., Exhibit G; Reply Markman Decl., Exhibit H;  
23 Reply Markman Decl., Exhibit I properly exclude only that information which is confidential and  
24 protected from disclosure by the Stipulated Protective Order. Accordingly, the Court finds that  
25 good cause exists to file:

- Pages 6, 7, 9, 10, 11, 12, and 24 of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Reply for Summary Judgment of Non-Infringement; (“Visa's Reply Brief.”);
- Exhibit A to the Reply Declaration of Michael M. Markman in Support of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-Infringement (“Reply Markman Decl.”);
- Exhibit G to the Declaration of Michael M. Markman in Support of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-Infringement;
- Exhibit H to the Declaration of Michael M. Markman in Support of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-Infringement;
- Exhibit I to the Declaration of Michael M. Markman in Support of Defendants Visa International Service Association and Visa U.S.A. Inc.'s Motion for Summary Judgment of Non-Infringement.

IT IS HEREBY ORDERED that the above-listed documents shall be filed under seal.

Dated: September 2, 2005



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The Honorable Saundra B. Armstrong  
United States District Judge  
For the Northern District of California